From: Will Martin
To: Microsoft ATR
Date: 11/17/01 1:04pm
Subject: Comments on the MS/DOJ Settlement from a Concerned Consumer

Dear Sir or Madam,

The proposed settlement between Microsoft and the Department of Justice fails to remedy the state of events which originally brought Microsoft to the attention of the Department of Justice, namely, that it had engaged in anti-competitive and predatory practices designed to protect its existing monopoly of the OS market, and to give it monopoly power over the web-browser market.

Microsoft holds a monopoly on the worldwide operating system market; that is, Microsoft's Windows operating system is the most common in the world, being installed on over 90% of computers based on Intel's x86 processor architecture. This fact, combined with the enormous number of people in the workforce who are untrained on any operating system but Windows, gives Microsoft extraordinary powers to direct the development of new applications, and by extension the day-to-day usage patterns (behaviors) of the owners of the computers. Currently, no operating system poses a significant threat to the dominance of Windows, largely because the majority of applications develloped for Windows and used by most businesses and individuals cannot be used under other operating systems.

The provisions in the settlement regarding interoperation, sections III.d, III.e, and III.j, completely fail to remedy this. Under this judgement, Microsoft would continue to be allowed to use proprietary protocols, APIs, and file formats to maintain and even extend its dominance not just of the operating system market, but also of the associated markets relevant to business software.

If the Department of Justice is truly interested in restoring competition to the operating system market, the Final Judgement of this case should require Microsoft to cease using proprietary protocols, APIs, and file formats; specifically, Microsoft should be required to publish full specifications for all of their previously closed file formats, such as (but not limited to) the .doc, .xls, and .ppt formats used by Microsoft Office, for the Application Programming Interfaces used to create Windows-based applications, such as (but not limited to) the DirectX API for three-dimensional graphics rendering, and for communication protocols intended for use in transmitting information across networks. Sufficient information should be published for competitors to be able to create their own implementations of Microsoft protocols, APIs and file formats so that software originally written for Windows would run in competing operating systems, such as Mac OS or Linux. This

information should be made available royalty-free, and should include not only existing, but any future protocols, APIs, and file formats Microsoft might create.

Not only is the proposed settlement too lax in regard to its punitive measures, it is also too lax in regard to enforcement. If Microsoft fails to adhere to the terms of the agreement, the agreement gets extended. In essence, the proposed settlement grants Microsoft government approval to continue business as usual, despite the negative effects on competition and (more importantly) on the ability of consumers to use non-Microsoft products.

I strongly disfavor the proposed settlement, and ask that it be reconsidered by the court.

William David Martin